

AMENDED IN SENATE APRIL 7, 2005

SENATE BILL

No. 374

Introduced by Senator Alquist

February 17, 2005

An act to amend Section 1569.33 of the Health and Safety Code, relating to residential care facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

SB 374, as amended, Alquist. Residential care facilities for the elderly: evaluations.

Existing law requires the State Department of Social Services to visit residential care facilities for the elderly as often as necessary to ensure the quality of care provided, but not less than once every 5 years. The department is required to conduct an annual unannounced visit to a facility when its license is on probation, the compliance plan or a condition of federal funding mandates annual visits, an accusation against a licensee is pending, or to verify that a person who has been ordered out of the facility by the department is no longer there. With all other residential care facilities for the elderly, the department is required to conduct an annual unannounced visit to no less than 10%.

This bill would require the department to make an unannounced visit at least every 2 years to a residential care facility for the elderly not subject to annual visits.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

1 (a) Prior to the enactment of Chapter 225 of the Statutes of
2 2003, every residential care facility for the elderly was required
3 to be periodically inspected, and to be evaluated at least one time
4 per year or as often as necessary by a representative designated
5 by the Director of Social Services, to ensure the quality of care
6 being provided.

7 (b) Pursuant to the 2003 enactment, the State Department of
8 Social Services is now required to visit these facilities as often as
9 necessary to ensure the quality of care provided, but no less often
10 than once every five years.

11 (c) Subject to these provisions, the department is now only
12 required to conduct an annual unannounced visit to no less than
13 10 percent of facilities, except under certain circumstances
14 requiring an annual unannounced visit.

15 ~~(d) Unlike skilled nursing facilities with their professional~~
16 ~~nursing staff, residential care facilities for the elderly are usually~~
17 ~~small secluded homes administered by their owner, and~~
18 ~~occasionally a single aide to assist with care.~~

19 ~~(e) Many residents have no visitors to check on them.~~

20 ~~(f) Most residential care facilities for the elderly offer~~
21 ~~acceptable levels of care and observances of civil rights, and a~~
22 ~~few offer superb accommodations, but some need to be~~
23 ~~monitored continually due to the marginal and substandard level~~
24 ~~of care provided.~~

25 ~~(g) Some facilities are criminal in their mistreatment and~~
26 ~~neglect.~~

27 SEC. 2. Section 1569.33 of the Health and Safety Code is
28 amended to read:

29 1569.33. (a) Every licensed residential care facility for the
30 elderly shall be subject to unannounced visits by the department.
31 The department shall visit these facilities as often as necessary to
32 ensure the quality of care provided.

33 (b) The department shall conduct an annual unannounced visit
34 of a facility under any of the following circumstances:

35 (1) When a license is on probation.

36 (2) When the terms of agreement in a facility compliance plan
37 require an annual evaluation.

38 (3) When an accusation against a licensee is pending.

39 (4) When a facility requires an annual visit as a condition of
40 receiving federal financial participation.

1 (5) In order to verify that a person who has been ordered out
2 of the facility for the elderly by the department is no longer at the
3 facility.

4 (c) The department shall conduct unannounced visits of
5 facilities not subject to an evaluation under subdivision (b) at
6 least every two years.

7 (d) The department shall notify the residential care facility for
8 the elderly in writing of all deficiencies in its compliance with
9 the provisions of this chapter and the rules and regulations
10 adopted pursuant to this chapter, and shall set a reasonable length
11 of time for compliance by the facility.

12 (e) Reports on the results of each inspection, evaluation, or
13 consultation shall be kept on file in the department, and all
14 inspection reports, consultation reports, lists of deficiencies, and
15 plans of correction shall be open to public inspection in the
16 county in which the facility is located.

17 (f) As a part of the department's annual evaluation process, the
18 department shall review the plan of operation, training logs, and
19 marketing materials of any residential care facility for the elderly
20 that advertises or promotes special care, special programming, or
21 a special environment for persons with dementia to monitor
22 compliance with Sections 1569.626 and 1569.627.